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Attorneys for Defendants Mullen Automotive, Inc.  
n/k/a Bollinger Innovations, Inc.,  
David Michery, and Jonathan New

**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**

IN RE MULLEN AUTOMOTIVE, INC.  
SECURITIES LITIGATION II

Case No. 2:25-cv-01187-DMG-AGR

**DEFENDANTS' REQUEST FOR  
JUDICIAL NOTICE**

[Filed concurrently with Declaration of  
Jenny Pelaez and [Proposed]  
Order; Notice of Motion and Motion to  
Dismiss, Memorandum of Points and  
Authorities, and [Proposed] Order]

Honorable Dolly M. Gee

Date: March 6, 2026  
Time: 9:30 a.m.  
Courtroom No.: 8C

First Amended Complaint Filed:  
July 30, 2025

**TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

**PLEASE TAKE NOTICE** that on March 6, 2026 at 9:30 a.m., or as soon thereafter as the matter may be heard, before the Honorable Dolly M. Gee, in Courtroom 8C of the United States District Court for the Central District of California, located at 350 W. 1st Street, Los Angeles, California 90012, Defendants Mullen Automotive, Inc. n/k/a Bollinger Innovations, Inc. (“Mullen”), David Michery (“Michery”), and Jonathan New (“New”) (together with Michery, the “Individual Defendants”) (collectively, “Defendants”) will, and hereby do, request that this Court take judicial notice of the following exhibits pursuant to Federal Rule of Evidence 201, which are attached to the Declaration of Jenny Pelaez, filed concurrently herewith:

- **Exhibit 1:** A copy of Michery’s Form 4, filed on December 2, 2022 with the U.S. Securities and Exchange Commission (“SEC”), which is publicly available through the SEC’s website (<https://www.sec.gov>), (**contains stock transaction information**).
- **Exhibit 2:** A copy of Mullen’s Form 10-K, filed on January 13, 2023 with the SEC, which is publicly available through the SEC’s website (<https://www.sec.gov>), (**contains risk factors**).
- **Exhibit 3:** A copy of Michery’s Form 4, filed on January 19, 2023 with the SEC, which is publicly available through the SEC’s website (<https://www.sec.gov>), (**contains stock transaction information**).
- **Exhibit 4:** A copy of Mullen’s Form 10-K/A, filed on January 30, 2023 with the SEC, which is publicly available through the SEC’s website (<https://www.sec.gov>), (**contains risk factors**).
- **Exhibit 5:** A copy of Mullen’s Form 8-K, filed on January 31, 2023 with the SEC, which is publicly available through the SEC’s website (<https://www.sec.gov>), (**contains Statement 1**).
- **Exhibit 6:** A copy of Mullen’s Form 10-Q, filed on February 14, 2023 with the SEC, which is publicly available through the SEC’s website

1 (<https://www.sec.gov>), (contains Statement 2 and risk factors).

- 2 • **Exhibit 7:** A copy of Mullen’s Form 8-K, attaching February 14, 2023 press  
3 release, filed on February 14, 2023 with the SEC, which is publicly available  
4 through the SEC’s website (<https://www.sec.gov>), (contains Statement 3).
- 5 • **Exhibit 8:** A copy of Michery’s Form 4, filed on February 17, 2023 with the  
6 SEC, which is publicly available through the SEC’s website  
7 (<https://www.sec.gov>), (contains stock transaction information).
- 8 • **Exhibit 9:** A copy of New’s Form 4, filed on March 7, 2023 with the SEC,  
9 which is publicly available through the SEC’s website (<https://www.sec.gov>),  
10 (contains stock transaction information).
- 11 • **Exhibit 10:** A copy of Mullen’s Form 8-K, attaching April 18, 2023 and April  
12 20, 2023 press releases, filed on April 20, 2023 with the SEC, which is  
13 publicly available through the SEC’s website (<https://www.sec.gov>),  
14 (contains Statement 4 and Statement 5).
- 15 • **Exhibit 11:** A copy of Mullen’s Form 10-Q, filed on May 15, 2023 with the  
16 SEC, which is publicly available through the SEC’s website  
17 (<https://www.sec.gov>), (contains Statement 8 and risk factors).
- 18 • **Exhibit 12:** A copy of Mullen’s Form 8-K, attaching May 15, 2023 press  
19 release, filed on May 15, 2023 with the SEC, which is publicly available  
20 through the SEC’s website (<https://www.sec.gov>), (contains Statement 7  
21 and Statement 9).
- 22 • **Exhibit 13:** A copy of Michery’s Form 4, filed on June 16, 2023 with the  
23 SEC, which is publicly available through the SEC’s website  
24 (<https://www.sec.gov>), (contains stock transaction information).
- 25 • **Exhibit 14:** A copy of Michery’s Form 4/A, filed on July 7, 2023 with the  
26 SEC, which is publicly available through the SEC’s website  
27 (<https://www.sec.gov>), (contains stock transaction information).
- 28 • **Exhibit 15:** A copy of Mullen’s Form 10-Q, filed on August 14, 2023 with

the SEC, which is publicly available through the SEC’s website (<https://www.sec.gov>), **(contains risk factors)**.

- **Exhibit 16:** A copy of Michery’s Form 4, filed on August 17, 2023 with the SEC, which is publicly available through the SEC’s website (<https://www.sec.gov>), **(contains stock transaction information)**.
- **Exhibit 17:** A copy of Mullen’s Definitive Proxy Statement, Schedule 14A, filed on November 8, 2023 with the SEC, which is publicly available through the SEC’s website (<https://www.sec.gov>), **(contains risk factors)**.
- **Exhibit 18:** A copy of Mullen’s Form 10-K, filed on January 17, 2024 with the SEC, which is publicly available through the SEC’s website (<https://www.sec.gov>), **(contains risk factors)**.
- **Exhibit 19:** A copy of Mullen’s Form 10-Q, filed on February 13, 2024 with the SEC, which is publicly available through the SEC’s website (<https://www.sec.gov>), **(contains risk factors)**.
- **Exhibit 20:** A copy of Mullen’s Form 10-Q, filed on May 14, 2024 with the SEC, which is publicly available through the SEC’s website (<https://www.sec.gov>), **(contains risk factors)**.
- **Exhibit 21:** A copy of Mullen’s Form 10-Q, filed on August 12, 2024 with the SEC, which is publicly available through the SEC’s website (<https://www.sec.gov>), **(contains risk factors)**.
- **Exhibit 22:** A copy of Mullen’s Form 8-K, attaching August 26, 2024 press release, filed on August 26, 2024 with the SEC, which is publicly available through the SEC’s website (<https://www.sec.gov>), **(contains Statement 10)**.
- **Exhibit 23:** A copy of Mullen’s September 20, 2024 Press Release titled, “Mullen Provides Update on Volt Mobility \$210 Million UAE Order” which is publicly available online at <https://news.bollingerev.com/mullen-provides-update-on-volt-mobility-210-million-uae-order>, **(contains Statement 15)**.
- **Exhibit 24:** A copy of Mullen’s Amendment No. 1 to Form S-1, filed on

November 7, 2024 with the SEC, which is publicly available through the SEC's website (<https://www.sec.gov>), (**contains Statement 16 and risk factors**).

- **Exhibit 25:** A copy of Mullen's Form 10-K, filed on January 24, 2025 with the SEC, which is publicly available through the SEC's website (<https://www.sec.gov>), (**contains Statement 17 and risk factors**).
- **Exhibit 26:** A copy of Mullen's Form 10-Q, filed on February 19, 2025 with the SEC, which is publicly available through the SEC's website (<https://www.sec.gov>), (**contains risk factors**).
- **Exhibit 27:** A copy of Michery's Form 4, filed on March 6, 2025 with the SEC, which is publicly available through the SEC's website (<https://www.sec.gov>), (**contains stock transaction information**).
- **Exhibit 28:** A copy of Mullen's Form 10-Q, filed on May 20, 2025 with the SEC, which is publicly available through the SEC's website (<https://www.sec.gov>), (**contains risk factors**).

Dated: September 30, 2025

**KING & SPALDING LLP**

By: /s/ Jenny Pelaez  
JENNY PELAEZ  
BRIAN P. MILLER  
SAMANTHA J. KAVANAUGH  
ROSS E. LINZER

Attorneys for Defendants  
MULLEN AUTOMOTIVE, INC. n/k/a  
BOLLINGER INNOVATIONS, INC.,  
DAVID MICHERY, AND JONATHAN  
NEW

## MEMORANDUM OF POINTS AND AUTHORITIES

### **I. INTRODUCTION**

Rule 201(b)(2) of the Federal Rules of Evidence permits this Court to take judicial notice of facts that are “not subject to reasonable dispute” in that they “can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” In support of their Motion to Dismiss Plaintiffs’ First Amended Complaint, Defendants respectfully seek judicial notice of the following exhibits attached to the Declaration of Jenny Pelaez, filed concurrently herewith:

- **Exhibit 1:** A copy of Michery’s Form 4, filed on December 2, 2022 with the U.S. Securities and Exchange Commission (“SEC”), which is publicly available through the SEC’s website (<https://www.sec.gov>), **(contains stock transaction information)**.
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- **Exhibit 4:** A copy of Mullen’s Form 10-K/A, filed on January 30, 2023 with the SEC, which is publicly available through the SEC’s website (<https://www.sec.gov>), **(contains risk factors)**.
- **Exhibit 5:** A copy of Mullen’s Form 8-K, filed on January 31, 2023 with the SEC, which is publicly available through the SEC’s website (<https://www.sec.gov>), **(contains Statement 1)**.
- **Exhibit 6:** A copy of Mullen’s Form 10-Q, filed on February 14, 2023 with the SEC, which is publicly available through the SEC’s website (<https://www.sec.gov>), **(contains Statement 2 and risk factors)**.

- 1       • **Exhibit 7:** A copy of Mullen’s Form 8-K, attaching February 14, 2023 press  
2       release, filed on February 14, 2023 with the SEC, which is publicly available  
3       through the SEC’s website (<https://www.sec.gov>), (**contains Statement 3**).
- 4       • **Exhibit 8:** A copy of Michery’s Form 4, filed on February 17, 2023 with the  
5       SEC, which is publicly available through the SEC’s website  
6       (<https://www.sec.gov>), (**contains stock transaction information**).
- 7       • **Exhibit 9:** A copy of New’s Form 4, filed on March 7, 2023 with the SEC,  
8       which is publicly available through the SEC’s website (<https://www.sec.gov>),  
9       (**contains stock transaction information**).
- 10      • **Exhibit 10:** A copy of Mullen’s Form 8-K, attaching April 18, 2023 and April  
11      20, 2023 press releases, filed on April 20, 2023 with the SEC, which is  
12      publicly available through the SEC’s website (<https://www.sec.gov>),  
13      (**contains Statement 4 and Statement 5**).
- 14      • **Exhibit 11:** A copy of Mullen’s Form 10-Q, filed on May 15, 2023 with the  
15      SEC, which is publicly available through the SEC’s website  
16      (<https://www.sec.gov>), (**contains Statement 8 and risk factors**).
- 17      • **Exhibit 12:** A copy of Mullen’s Form 8-K, attaching May 15, 2023 press  
18      release, filed on May 15, 2023 with the SEC, which is publicly available  
19      through the SEC’s website (<https://www.sec.gov>), (**contains Statement 7**  
20      **and Statement 9**).
- 21      • **Exhibit 13:** A copy of Michery’s Form 4, filed on June 16, 2023 with the  
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23      (<https://www.sec.gov>), (**contains stock transaction information**).
- 24      • **Exhibit 14:** A copy of Michery’s Form 4/A, filed on July 7, 2023 with the  
25      SEC, which is publicly available through the SEC’s website  
26      (<https://www.sec.gov>), (**contains stock transaction information**).
- 27      • **Exhibit 15:** A copy of Mullen’s Form 10-Q, filed on August 14, 2023 with  
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- 2 • **Exhibit 16:** A copy of Michery’s Form 4, filed on August 17, 2023 with the  
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- 5 • **Exhibit 17:** A copy of Mullen’s Definitive Proxy Statement, Schedule 14A,  
6 filed on November 8, 2023 with the SEC, which is publicly available through  
7 the SEC’s website (<https://www.sec.gov>), (**contains risk factors**).
- 8 • **Exhibit 18:** A copy of Mullen’s Form 10-K, filed on January 17, 2024 with  
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12 the SEC, which is publicly available through the SEC’s website  
13 (<https://www.sec.gov>), (**contains risk factors**).
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15 SEC, which is publicly available through the SEC’s website  
16 (<https://www.sec.gov>), (**contains risk factors**).
- 17 • **Exhibit 21:** A copy of Mullen’s Form 10-Q, filed on August 12, 2024 with  
18 the SEC, which is publicly available through the SEC’s website  
19 (<https://www.sec.gov>), (**contains risk factors**).
- 20 • **Exhibit 22:** A copy of Mullen’s Form 8-K, attaching August 26, 2024 press  
21 release, filed on August 26, 2024 with the SEC, which is publicly available  
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- 23 • **Exhibit 23:** A copy of Mullen’s September 20, 2024 Press Release titled,  
24 “Mullen Provides Update on Volt Mobility \$210 Million UAE Order” which  
25 is publicly available online at [https://news.bollingerev.com/mullen-provides-](https://news.bollingerev.com/mullen-provides-update-on-volt-mobility-210-million-uae-order)  
26 [update-on-volt-mobility-210-million-uae-order](https://news.bollingerev.com/mullen-provides-update-on-volt-mobility-210-million-uae-order), (**contains Statement 15**).
- 27 • **Exhibit 24:** A copy of Mullen’s Amendment No. 1 to Form S-1, filed on  
28 November 7, 2024 with the SEC, which is publicly available through the



SEC's website (<https://www.sec.gov>), (contains Statement 16 and risk factors).

- **Exhibit 25:** A copy of Mullen's Form 10-K, filed on January 24, 2025 with the SEC, which is publicly available through the SEC's website (<https://www.sec.gov>), (contains Statement 17 and risk factors).
- **Exhibit 26:** A copy of Mullen's Form 10-Q, filed on February 19, 2025 with the SEC, which is publicly available through the SEC's website (<https://www.sec.gov>), (contains risk factors).
- **Exhibit 27:** A copy of Michery's Form 4, filed on March 6, 2025 with the SEC, which is publicly available through the SEC's website (<https://www.sec.gov>), (contains stock transaction information).
- **Exhibit 28:** A copy of Mullen's Form 10-Q, filed on May 20, 2025 with the SEC, which is publicly available through the SEC's website (<https://www.sec.gov>), (contains risk factors).

## II. ARGUMENT

### A. Exhibits 1 through 22, and 24 through 28: SEC Filings

Exhibits 1 through 22, and 24 through 28 are true and correct copies of publicly issued SEC filings pertaining to Mullen, David Michery, or Jonathan New. These filings include Mullen Auto's Form 10-K's, Form 10-Q's, Form 8-K's, Amendment No. 1 to Form S-1, and Definitive Proxy Statement, Schedule 14A, Michery's Form 4's and 4/A's, and New's Form 4's. Under Fed. R. Evid. 201(b), courts routinely take judicial notice of information from public sources such as documents filed with the SEC. *See Metzler Inv. GMBH v. Corinthian Colleges, Inc.*, 540 F.3d 1049, 1064 n.7 (9th Cir. 2008); *Kramer v. Time Warner*, 937 F.2d 767, 774 (2d Cir. 1991) ("[A] district court may take judicial notice of the contents of relevant public disclosure documents required to be filed with the SEC as facts capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned.") (citing Fed. R.

1 Evid. 201(b)(2)); *see also Azar v. Yelp, Inc.*, 2018 WL 6182756, at \*4 (N.D. Cal. Nov.  
2 27, 2018) (rulings denying judicial notice of Forms 4 at the dismissal stage are “out of  
3 step with the weight of authority in the Ninth Circuit”).

4 **B. Exhibit 23.**

5 Exhibit 23 is a true and correct copy of Mullen’s publicly available September  
6 20, 2024 Press Release titled: “Mullen Provides Update on Volt Mobility \$210 Million  
7 UAE Order.” This press release is publicly available online at  
8 [https://news.bollingerev.com/mullen-provides-update-on-volt-mobility-210-million-](https://news.bollingerev.com/mullen-provides-update-on-volt-mobility-210-million-uae-order)  
9 [uae-order](https://news.bollingerev.com/mullen-provides-update-on-volt-mobility-210-million-uae-order).

10 This publicly available press release is a proper subject of judicial notice.  
11 “Matters of public record, including documents available from the internet, may be the  
12 subject of judicial notice.” *United States v. Shamir USA, Inc.*, 2020 WL 6152466, at \*3  
13 (C.D. Cal. Aug. 7, 2020). Additionally, given that the First Amended Complaint  
14 references and relies on the article attached as an exhibit here, the incorporation by  
15 reference doctrine applies. *See Khoja v. Orexigen Therapeutics, Inc.*, 899 F.3d 988,  
16 1002 (9th Cir. 2018) (the incorporation-by-reference doctrine “treats certain documents  
17 as though they are part of the complaint itself.”).

18 **III. CONCLUSION**

19 For the foregoing reasons, Defendants respectfully request that the Court grant  
20 their request for judicial notice of Exhibits 1 through 28 attached to the Declaration of  
21 Jenny Pelaez, filed concurrently herewith, in support of their motion to dismiss the First  
22 Amended Complaint.  
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1 Dated: September 30, 2025

**KING & SPALDING LLP**

2  
3 By: /s/ Jenny Pelaez  
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4 BRIAN P. MILLER  
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5 ROSS E. LINZER

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